IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1224 OF 2005

Lalit Kutir Co.op. Housing Society Ltd., ...Petitioner.
Versus
Maharashtra Housing and Area Development Authority and Anr. ...Respondents.

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Mr.Abhay Patki i/b. R.D.Mishra, Advocate for the Petitioner.
Mr.R.M.Sawant, Govt.Pleader, for Respondent Nos.1 & 2.

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CORAM : **F.I.REBELLO AND SMT.V.K.TAHILRAMANI,JJ.**

DATED : **JULY 11, 2006.**

P.C.:

. It is the case of the petitioner that the plot which is the subject of dispute is TIT-BIT category plot. The case of the Respondent is that it is not a TIT-BIT land and it is buildable land and can be independently developed. It is in these circumstances that they had advertised. Infact one of the condition in the advertisement was that the neighbouring society or federation of the adjoining societies will be given preference in allotment of the adjoining plots, if they are willing to match the highest bid quoted for such

plots. We cannot fault the action of the Respondents in advertising the said plot. The auction for sale was pursuant to the orders of this court. Considering the considerable lapse of time, the Respondents will be duty bound to issue fresh advertisement in which the petitioners if they are advised can also apply. Considering the above, no interference is called for. Petition is dismissed. All interim reliefs stand vacated.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]